

House Bill 68 (AS PASSED HOUSE AND SENATE)

By: Representative Barnard of the 166th

A BILL TO BE ENTITLED
AN ACT

To amend Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to coastal waters, beaches, and sand dunes, so as to change certain provisions relating to applicability of the Coastal Marshlands Protection Act; to provide for maintenance of certain exempted docks; to provide an exemption for a single private dock built by the owners of certain adjoining lots; to change certain provisions relating to automatic repeal of the Georgia Coastal Management Act; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 4 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to coastal waters, beaches, and sand dunes, is amended in Code Section 12-5-295, relating to applicability of the Coastal Marshlands Protection Act, by revising paragraph (7) and adding a new paragraph as follows:

"(7) The building of a private dock exclusively for the noncommercial use of the owner or his or her invitees and constructed on pilings, the walkways of which are above the marsh grass not obstructing tidal flow, by:

(A) The owner of a lot on which a detached single-family residence is located on high land adjoining such dock; or

(B) The owner of a lot having at least 50 front feet of land abutting the marshlands which contains high land suitable for the construction of a detached single-family residence and where the construction of such a residence is not prohibited.

The lot owner shall and is authorized to maintain the structure in good condition and repair the same as necessary, and the use of repair or replacement materials comparable in quality to the original authorized materials shall be sufficient for such purposes; or
(7.1) The building of a single private dock by the owners of up to four adjoining lots, each of which is riparian and would qualify for an exemption as provided in paragraph (7) of this Code section, for the exclusive noncommercial use of such owners

1 or their invitees and constructed as a single walkway on pilings above the marsh grass not
2 obstructing tidal flow and in a size to be determined by the department taking into
3 consideration the number of adjoining lots utilizing the dock; provided, however, that the
4 exemption provided by this paragraph shall apply only if each of the owners of such
5 adjoining lots has entered into a binding covenant that runs with the land, in favor of the
6 state, which covenant prohibits the building of any future private dock on his or her lot
7 unless the dock exempted pursuant to this paragraph is removed or converted to a
8 single-family private dock which would qualify for an exemption as provided in
9 paragraph (7) of this Code section. The granting of the exemption provided by this
10 paragraph shall be the state's consideration for the covenant of each such lot owner. The
11 lot owners shall and are authorized to maintain the structure in good condition and repair
12 the same as necessary, and the use of repair or replacement materials comparable in
13 quality to the original authorized materials shall be sufficient for such purposes; or"

14 **SECTION 2.**

15 Said article is further amended by revising Code Section 12-5-329, relating to automatic
16 repeal of the Georgia Coastal Management Act, as follows:

17 "12-5-329.

18 ~~Unless reestablished or continued by the General Assembly, this part shall stand repealed~~
19 ~~in its entirety on July 1, 2009~~ Reserved."

20 **SECTION 3.**

21 All laws and parts of laws in conflict with this Act are repealed.